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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/590,760	06/08/2000	Keith A. Lowery	066241.0104	9892
7590	01/23/2006			
Kevin J Meek Esq Baker Botts LLP 2001 Ross Avenue Dallas, TX 75201-2980			EXAMINER SHINGLES, KRISTIE D	
			ART UNIT 2141	PAPER NUMBER

DATE MAILED: 01/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/590,760	Applicant(s) LOWERY ET AL.	
	Examiner Kristie Shingles	Art Unit 2141	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 October 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8, 10-16 and 18-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-16 and 18-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### **Per Applicant's Request for Continued Examination:**

*Claims 1, 11, 24 and 27 have been amended. Claims 9 and 17 have been cancelled.  
Claims 1-8, 10-16 and 18-29 are pending.*

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/28/2005 has been entered.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1, 24 and 27 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1-8, 10-16 and 18-29** are rejected under 35 U.S.C. 103(a) as being unpatentable over *Rodkin et al* (USPN 6,748,385) in view of *Lambert et al* (USPN 6,038,601).

a. **Per claim 24**, *Rodkin et al* teach a method for providing efficient data access service comprising:

- subscribing an origin server to a data center (Abstract, col.4 lines 5-43, col.13 lines 10-15);
- routing a data request from a browser to the data center, the data request requesting a dynamic content item and having an associated address indicating the origin server (col.4 lines 44-53, col.13 lines 15-67);
- receiving at a data center manager, before expiration of the dynamic content item, a data change message from a trigger associated with the dynamic content item, the data change message generated in response to a change in the content of the dynamic content item (col.11 lines 35-41, col.19 lines 1-18, col.21 lines 7-14, col.23 lines 8-43);
- generating an expiration command at the data center manger in response to the data change message (col.22 lines 7-45);
- receiving the expiration command from the data center manager (col.21 lines 7-14, col.22 lines 32-34);
- updating an expiration time of the dynamic content item in accordance with the expiration command (col.22 lines 32-41 and 57-64);
- determining whether the dynamic content item is available at the data center according to the expiration time of the dynamic content item (col.21 lines 7-31, col.22 lines 58-63, col.23 lines 8-36).

Yet *Rodkin et al* fail to explicitly teach specific use of a browser in addition to: generating the dynamic content item at the origin server when the dynamic content is unavailable at the data center; retrieving the dynamic content item from the origin server when the content item is unavailable at the data center; and communicating the dynamic content to the browser. However, *Lambert et al* disclose retrieving content from the source machine when it is

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unavailable in the cache server and communicating the content via a web browser (col.5 lines 40-60, col.6 lines 45-55, col.7 lines 45-60, col.8 lines 45-56, col.23 line 63-col.24 line 14 and col.32 lines 3-26).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of *Rodkin et al* and *Lambert et al* for the purpose of generating expiration indications pertaining to the content while provisioning retrieval of the content from the source when the content at the server is either unavailable or not up-to-date and implementing usage of a browser for communicating the requests and content in the system; because it provides a modification to the data access services of the system by allowing for access to the original source when the content of a server is unavailable.

b. **Claims 1 and 27** contain limitations that are substantially equivalent to claim 24 and are therefore rejected under the same basis.

c. **Per claim 2**, *Rodkin et al* and *Lambert et al* teach the method for processing data according to Claim 1 *Lambert et al* further teach the method further comprising: receiving a data request at the cache server from a remote computer, the data request requesting data from the cache server; determining whether the requested data is available at the cache server; retrieving the requested data from an origin server when the requested data is unavailable; and communicating the requested data from the cache server to the remote computer (col.5 lines 40-60 and col.32 lines 3-26).

d. **Per claim 3**, *Lambert et al* teach the method for processing data according to Claim 2 wherein the data comprises a web page and further comprising generating the web page at an origin server (col.1 lines 16-20 and col.5 line 40-col.6 line 5).

e. **Per claim 4**, *Lambert et al* teach the method for processing data according to Claim 3, wherein generating the web page comprises generating the web page based on the data request (col. 1 lines 16-20 and 27-31).

f. **Per claim 5**, *Lambert et al* teach the method for processing data according to Claim 2, wherein determining whether the requested data is available comprises: determining whether the requested data is present at the cache server; and determining whether the requested data is current when the requested data is present at the cache server (col.5 lines 56-60 and col.12 lines 49-55).

g. **Per claim 10**, *Rodkin et al* and *Lambert et al* teach the method for processing data according to Claim 1, *Rodkin et al* further teach the method further comprising generating the expiration command at the data center manager in response to the elapsing of a predetermined period of time (col.14 lines 3-10, col.21 lines 7-31, col.22 lines 18-31; *Lambert et al*: col.12 lines 50-52).

h. **Per claim 11**, *Rodkin et al* and *Lambert et al* teach the method for processing data according to Claim 1, *Rodkin et al* further teach the method wherein generating the expiration command comprises: detecting a change in the content of the data associated with the origin server by a trigger associated with the data; generating a data change command indicating at least one changed item of content; and communicating the data change command to the data center manager (col.11 lines 35-49, col.13 line 46-col.14 line 34, col.21 lines 7-31, col.22 lines 7-45; *Lambert et al*: col. 7 lines 55-58 and col.32 lines 12-18).

i. **Per claim 12**, *Rodkin et al* and *Lambert et al* teach the method for processing data according to Claim 1, *Rodkin et al* further teach the method wherein marking the data as expired

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comprises receiving the expiration command from the data center manager and determining the data to expire as a function of the expiration command (col.21 lines 7-31, col.22 lines 7-63; *Lambert et al.*: col.7 lines 52-58).

j. **Per claim 13**, *Rodkin et al* and *Lambert et al* teach the method for processing data according to Claim 12, *Rodkin et al* further teach the method wherein the expiration command expires a single web page (col.21 lines 7-31, col.22 lines 24-34; *Lambert et al.*: col.12 lines 50-52).

k. **Per claim 14**, *Rodkin et al* and *Lambert et al* teach the method for processing data according to Claim 12, *Rodkin et al* further teach the method wherein the expiration command expires a plurality of web pages (col.22 lines 46-63 col.24 lines 4-12; *Lambert et al.*: col. 7 lines 52-58).

l. **Claims 15 and 16** are substantially similar to claim 14 and are therefore rejected under the same basis.

m. **Per claim 18**, *Rodkin et al* and *Lambert et al* teach the method for processing data according to Claim 1, *Rodkin et al* further teach the method wherein the data comprises a web page using the hypertext markup language (col.11 lines 10-27, col.16 line 34-col.17 line 15; *Lambert et al.*: col.1 lines 16-20).

n. **Per claim 19**, *Rodkin et al* and *Lambert et al* teach the method for processing data according to Claim 1, *Lambert et al* further teach the method wherein the expiration command comprises an Internet Cache Synchronization Protocol command (col.8 lines 31-35 and 53-56; *Rodkin et al.*: col.19 lines 14-18).

o. **Per claim 20**, *Rodkin et al* and *Lambert et al* teach the method for processing data according to Claim 19, *Lambert et al* further teach the method wherein the expiration command comprises an Internet Cache Synchronization Protocol terse command and further including generating the expiration command at the data center manager in response to an Internet Cache Synchronization Protocol verbose command (col.7 lines 53-58, col. 8 lines 31-35 and 53-56; col.19 lines 14-18, col.21 lines 7-31, col.22 lines 58-64).

p. **Per claim 21**, *Rodkin et al* and *Lambert et al* teach the method for processing data according to Claim 1, *Lambert et al* further teach the method wherein the data has an associated request element identifying the data, the request element having a first portion and a second portion distinct from the first portion and wherein receiving data at the cache server comprises: filtering the first portion of the request element based on predetermined criteria associated with an origin server associated with the data; and identifying the data based on the second portion of the request element (col.5 lines 51-60).

q. **Per claim 22**, *Lambert et al* teach the method for processing data according to Claim 21 further comprising: receiving a request at the cache server, a first portion of the request being distinct from the first portion of the request element and a second portion of the request being substantially similar to the second portion of the request element; and retrieving the data as a function of the second portion of the request and the second portion of the request element (col. 5 lines 51-60).

r. **Per claim 23**, *Lambert et al* teach the method for processing data according to Claim 22, wherein the request element comprises a uniform resource locator and the request comprises a uniform resource locator (col.9 lines 59-60; *Rodkin et al*: col.22 lines 10-45).



s. **Per claim 25**, *Rodkin et al* and *Lambert et al* teach the method for providing efficient data access service according to Claim 24, *Lambert et al* further teach the method wherein subscribing the origin server comprises transferring domain name resolution service to the data center and wherein routing the data request comprises resolving the address associated with the origin server (col.4 lines 17-19 and 30-34 and col.23 line 67-col. 24 line 1).

t. **Per claim 26**, *Rodkin et al* and *Lambert et al* teach the method for providing efficient data access service according to Claim 24, *Lambert et al* further teach the method wherein determining whether the dynamic content item is available comprises: determining whether the dynamic content item is present at the data center; and determining whether the dynamic content item is current when the content item is present at the data center (col.5 lines 56-60 and col.12 lines 49-55).

**Per claim 28**, *Rodkin et al* and *Lambert et al* teach the system for processing data according to Claim 27, *Rodkin et al* further teach the system wherein the data center comprises a web server and a cache server and a flow control server (Figure 4, col.13 lines 11-55, col.21 lines 7-14; *Lambert et al*: col.5 lines 9-60).

u. **Claims 6, 7 and 29** are substantially similar to claim 28 and are therefore rejected under the same basis.

v. **Per claim 8**, *Rodkin et al* and *Lambert et al* teach the method for processing data according to Claim 7, *Rodkin et al* further teach the method wherein determining whether to grant permission comprises: granting permission to the cache server when the current load is below a predetermined threshold; and denying permission to the cache server when the current load exceeds the predetermined threshold (col.21 lines 3-6 and 32-40, col.22 lines 58-64).

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: *Krueger et al* (US 6,173,368), *Srblijic et al* (US 6,154,811), *Murphy et al* (US 2002/0052778), *Takahashi et al* (US 2002/0162006), *Al-Ali* (US 2003/0111592).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristie Shingles whose telephone number is 571-272-3888. The examiner can normally be reached on Monday-Friday 8:30-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information Per the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

***Kristie Shingles***  
***Examiner***  
***Art Unit 2141***

***kds***

  
RUPAL DHARIA  
ELECTRONIC PATENT EXAMINER